REGIONAL GROWTH STRATEGIES

An Explanatory Guide

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REGIONAL GROWTH STRATEGIES: AN EXPLANATORY GUIDE

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Regional Growth Strategies: An Explanatory Guide

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Introduction

The growth strategies legislation is a practical framework for coordinated planning and coordinated action for local governments in all parts of British Columbia. The legislation is contained in Part 25 of the *Local Government Act*.

The legislation lays out the ground rules for three important planning tools—regional growth strategies (RGS), regional context statements (RCS) and implementation agreements (IA). These tools are the outcome of an extensive consultation process with local government.

This guide has been written as a companion to the growth strategies legislation. It will be of particular interest to elected officials and staff of regional districts and municipalities and to their provincial counterparts who may be participants in regional growth strategy processes. The document is organized as follows:

Part 1 Context for the growth strategies legislation.

Part 2 Regional growth strategies, including material on content, consultation, acceptance and resolution of outstanding differences.

Part 3 Focus on municipalities, including material related to the development and acceptance of a regional context statement.

"affected local government" means a municipality that is a member of a regional district that has initiated an RGS, as well as adjoining regional districts whose acceptance of the RGS is required;
"board" means the board of a regional district;
"facilitator" means the facilitator designated by the Minister of Community Services under section 856;
"GVRD" means Greater Vancouver Regional District;
"IA" means implementation agreement;
"IAC" means intergovernmental advisory committee;
"minister" means the Minister of Community Services;
"OCP" means official community plan;
"RGS" means regional growth strategy;
"RCS" means regional context statement; and,
"UBCM" means Union of B.C. Municipalities.

PART 1

Context for the Growth Strategies Legislation

Managing urban growth is one of the key challenges facing British Columbia. In recent years, the province's population has been increasing by 60,000 people each year. This year, the population of B.C. is over 4.2 million people; in just 10 years time, demographers indicate that the population could exceed 4.9 million. Eighty per cent of the population increase will be in urban areas, mostly in the Lower Mainland, the east coast of Vancouver Island and the Okanagan Valley.

Growth can benefit our communities if it is channelled in a way that respects what's important to all British Columbians—clean air; affordable housing; clean drinking water; protected farmland, wilderness and unique natural areas. The impact of growth doesn't stop at the city limits. Growth follows geographical, not political, boundaries.

Without mechanisms for cooperation and coordination at the regional level, our local government planning system cannot support integrated planning between regional districts, or even within regional districts. Until the enactment of the growth strategies legislation, no framework existed for coordinated planning among local governments, the provincial government and other agencies.

Why Do We Need Regional Growth Strategies?

The planning system in B.C. works well at the local level. Individually, communities have been planning for growth and change within their own boundaries. What has been lacking are ways to promote coordination among municipalities and regional districts on issues that cross municipal boundaries, and clear, reliable links with the provincial ministries and agencies whose resources are needed to carry out projects and programs.

How Do Regional Growth Strategies Enhance the Planning System?

The growth strategies legislation makes an important contribution to dealing with growth-related challenges. It reaffirms a "made in B.C." planning system that encourages cooperation and explicitly recognizes that local governments have a vital role to play in developing long-term solutions to current challenges.

Prior to 1983, British Columbia had a regional planning system that was hierarchical. With that system, a regional district prepared its plan and municipalities complied. This approach to regional planning was problematic and, subsequently, was abolished in 1983. During the rest of the 1980s there was much public discussion of developing a comprehensive provincial plan or a land use act that leaned towards a stronger and more central role for provincial planning in the regions. Such proposals received little support from local government.

In the late 1980s, and again in 2000, legislation was introduced which updated the regional district legislation. It solidified and streamlined the servicing role of regional districts and introduced amendments that allowed more autonomy and flexibility. In 1992 the idea of re-introducing regional planning was actively pursued. Work began at this time to lay the groundwork for the growth strategies legislation.

What the legislation provides is a framework for interactive planning – a system that relies on a cooperative process, rather than hierarchy, to ensure that plans fit together. It ensures that municipalities and regional districts work to prepare a regional growth strategy as equal partners. And it makes it possible for local government and provincial government to tackle real regional issues in an integrated way.

The modernized planning system introduces three important tools to local government—regional growth strategies, regional context statements and implementation agreements. Although these are separate documents, they are closely connected.

- A **regional growth strategy (RGS)** is a regional vision that commits affected municipalities and regional districts to a course of action to meet common social, economic and environmental objectives. It is initiated and adopted by a regional district and referred to all affected local governments for acceptance.

- A **regional context statement (RCS)** forms a portion of a municipality's official community plan (OCP) that sets out the relationship between the regional growth strategy and the municipality's plan. This statement is prepared by the municipality and referred to the regional district for acceptance.

- An **implementation agreement (IA)** is a partnership agreement between a regional district and other levels of government, their agencies or other bodies which spells out the details of how certain aspects of a regional growth strategy will be carried out. For example, an agreement may relate to the construction and funding of new or upgraded highways, sewers, hospitals or regional parks.

How Does the Regional Growth Strategies Legislation Fit into the Provincial Picture?

The legislation is one of a series of initiatives designed to accommodate growth while maintaining the livability and natural environment of the province. In so doing, it complements provincial government efforts to:

- achieve greater certainty with respect to land use in order to support continued job creation;
- maintain an environment that continues to make B.C. an attractive place to invest and live; and,
- sustain a competitive tax climate through efficient provision of government services.

Key related initiatives include:

- **transportation:** the provincial transportation strategy and associated capital plans for B.C. Transit, B.C. Ferries and Greater Vancouver Transportation Authority;
- **protected areas:** the Protected Area Strategy and the associated Commonwealth and Lower Mainland Nature Legacy initiatives;
- **resource base:** regional and sub-regional planning processes focussing on land use allocation and management objectives for large areas of Crown land;
- **economic development:** investments in people, infrastructure and natural resources that contribute to jobs, a strong economy and a competitive investment climate;
- **pollution reduction:** clean air strategy, waste management strategy, key investments in sewage treatment through provincial infrastructure grants, and the New Deal for Cities and Communities program;
- **water:** water protection strategy;
- **energy:** PowerSmart, community energy planning and energy efficiency standards;
- **heritage:** heritage conservation legislation and associated initiatives like the Community Heritage Planning Program; and,
- **finance:** Debt Management Plan which ensures debt remains affordable, debt servicing costs are paid by those who benefit, and debt is used to finance facilities that meet the high priority needs of British Columbians.

Principles Underlying the Legislation

Nine basic principles provided the foundation for the legislation.

1. **No new institutions**

   The provincial government has a strong local planning system that should be strengthened and extended, rather than create special purpose bodies or a new level of government in updating the planning system. Building on this established system has the benefit of providing access to existing political structures, administrative systems, professional staff and communications networks. It also avoids creating another layer of administration with considerable set-up and ongoing costs.

2. **Voluntary participation ... most of the time**

   Region-wide strategies should be voluntary because planning works best when there is buy-in. However, as a last resort, Cabinet should have the ability to require regional strategies for regions where extreme growth rates or community change indicate a need and the local governments are slow to react cooperatively.

3. **Compatibility ... a bias towards agreement**

   Consistency and compatibility among local plans and region-wide strategies are essential. The "interactive system" gives municipal official community plans and regional strategies equal weight. This is in keeping with the belief that decisions should be made as close to the local level as possible.

4. **Dispute resolution ... as a last resort**

   To be effective, the planning process has to reach closure and that means differences must be resolved. Local governments should have every opportunity to negotiate collaborative solutions. However, if the process breaks down late in the game, there must be a mechanism that will result in closure.

5. **Broad-based consultation ... early and often**

   Everyone who has to live with the outcome should have a say in the development of plans. This principle supports the early and ongoing participation of municipalities, community groups and other interested parties.

6. **Regional diversity/regional flexibility**

   Each region of British Columbia is different in economy, geography, objectives and issues. The system must be flexible enough to accommodate this regional diversity.

7. **Provincial direction and support**

   The provincial government should "put its cards on the table" and make its expectations clear.

8. **Early provincial involvement**

   The provincial government is continuously making investments in a wide range of capital projects - ferry terminals, transit corridors, highway improvements, health and educational facilities and energy projects. Some can have an immediate and longer-term impact on community settlement patterns.

   There is mutual gain if key provincial ministries and agencies "come to the table" early and stay involved continuously throughout the regionally-led planning processes. This input will result in more effective regional growth strategies.

9. **Provincial commitment**

   The provincial government should be guided by regional growth strategies in order to ensure that the actions and investment decisions of the government are consistent with local government's intentions.

PART 2

Regional growth strategies (RGS)

A regional growth strategy (RGS) is a regional vision that commits affected municipalities and regional districts to a course of action to meet common social, economic and environmental objectives. It is initiated and adopted by a regional district and referred to all affected local governments for acceptance.

The purpose of a regional growth strategy, established in section 849(1), is to "promote human settlement that is socially, economically and environmentally healthy and that makes efficient use of public facilities and services, land and other resources".

Essential Elements of an RGS

Regional growth strategies are general guides as to how regions will grow, change and develop over a 20-year period. They are limited and focused on a set of key issues that must be managed at the regional scale. Section 850(2) outlines five essential elements that must be included in an RGS. These are:

- housing;
- transportation;
- regional district services;
- parks and natural areas; and,
- economic development.

In addition to these five essential elements, there are a few other minimum requirements. A strategy must cover a period of at least 20 years. The RGS should also be comprehensive, including social, economic and environmental matters. In addition, population and employment projections must be prepared. A list of actions to meet projected needs completes the provincial government's requirements.

Although these items are mandatory, each regional district has a great deal of flexibility to develop its strategy in its own way in order to meet local needs. Section 850(3) enables regions to custom design a strategy that fits local circumstances and objectives by adding other matters which cross local government boundaries and cannot be managed solely by one jurisdiction.

What an RGS looks like is also left up to the region preparing one. The RGS does not need to be elaborate or lengthy. A strategy may include any information, maps, illustrations or other material as determined by the regional district. There is no preconceived formula for an RGS. However, it should build consensus within the region on future policies and development. Each region is encouraged to develop its own approach to best fit its own needs.

Provincial Goals

Provincial goals are outlined in section 849(2).

- avoiding urban sprawl and ensuring that development takes place where adequate facilities exist or can be provided in a timely, economic and efficient manner;
- settlement patterns that minimize the use of automobiles and encourage walking, bicycling and the efficient use of public transit;
- the efficient movement of goods and people while making effective use of transportation and utility corridors;
- protecting environmentally sensitive areas;
- maintaining the integrity of a secure and productive resource base, including the agricultural and forest land reserves;
- economic development that supports the unique character of communities;
- reducing and preventing air, land and water pollution;
- adequate, affordable and appropriate housing;
- adequate inventories of suitable land and resources for future settlement;
- protecting the quality and quantity of ground water and surface water;
- settlement patterns that minimize the risks associated with natural hazards;
- preserving, creating and linking urban and rural open space including parks and recreation areas;
- planning for energy supply and promoting efficient use, conservation and alternative forms of energy; and,
- good stewardship of land, sites and structures with cultural heritage value.

Addressing Provincial Goals

The legislation provides general goals to help local governments recognize regional issues (section 849(2)). At a minimum, all regional growth strategies and regional context statements must work towards these goals, to the extent that an RGS or RCS addresses these issues. If a regional district preparing a growth strategy or a municipality preparing a regional context statement identifies other issues to cover, these can also be included in the strategy or context statement.

In addition to the provincial goals included in the legislation, the minister may establish policy guidelines which will provide direction on the process of preparing and adopting regional growth strategies and regional context statements. Policy guidelines regarding the content of strategies and context statements can be established by the minister, either alone or in consultation with other ministers. These types of guidelines can only be prepared after consultation with the Union of B.C. Municipalities (UBCM).

Advantages of an RGS

Each regional district will have its own reasons for preparing an RGS. Some will focus on urban containment and establishing clear distinctions between urban and rural areas. Others will see an RGS as providing the context for major transportation development decisions or as a tool to address water supply and quality concerns. Some regions will use an RGS as an opportunity to address critical emerging issues such as water supply and its links to other regional issues like growth management, open space preservation, water conservation and environmental protection.

Throughout B.C., community planning is in good shape. Most municipalities have OCPs, which provide a clear statement of intentions regarding growth and change. The legislation builds on this base to provide for **interjurisdictional coordination** which is necessary in order to address critical regional issues that cannot be addressed comprehensively by each municipality alone.

The legislation also provides **flexibility** for the preparation of sub-regional, or multi-regional, growth strategies where this is the most suitable arrangement for tackling the growth challenges for that area. The preparation of either a sub-regional or multi-regional strategy will require the approval of the minister.

An RGS can provide the **framework for provincial investment** in a region. Once an RGS is initiated, the provincial government will sit down at the table with the local governments as members of an intergovernmental advisory committee (IAC). This ensures joint planning and a common vision for the region. As capital funding becomes more scarce, the provincial government will increasingly need reassurances that provincial investments in regions are consistent with coordinated, comprehensive plans that reflect a broad regional consensus.

Getting Underway

Any regional district is able to voluntarily initiate a regional growth strategy by resolution of its board. Normally, the regional district's initiative would trigger the process. However, there is also a provision for Cabinet to require the development of RGSs where conditions of change indicate there is a need but cooperative action isn't happening voluntarily. This provision is contained in section 852. Conditions of change that may result in the minister making a recommendation to Cabinet that a regional district be required to prepare an RGS, could include an area experiencing significant change in its population, its economic development, or an aspect of growth or development that affects two or more local governments in the area.

Content

Discussion and evaluation of issues facing the region will determine the content of an RGS. Content is largely left up to the regional district. The legislation does provide general goals (see page 8) to clarify the provincial government's interests and expectations, and to provide guidance on what the strategy should work towards. These goals are advisory, are not binding, and only apply where they are relevant to the particular region preparing an RGS.

Section 850(2) outlines the minimum content which all strategies must include:

- a 20-year minimum time frame;
- a comprehensive statement on the future of the region, including the social, economic and environmental objectives of the strategy;
- population and employment projections; and,
- a list of actions proposed to meet the needs of the projected population, including actions for housing, transportation, regional district services, parks and natural areas, and economic development.

These constitute the minimum content for a regional growth strategy. The regional district would be able to address other regional issues to reflect local circumstances and priorities. For example, the regional district could choose to address cultural services or major regional institutions as additional elements in its RGS. Note that additional regional matters can be included in a strategy at any time during the development of a strategy.

Boundaries

In terms of boundaries, an RGS would normally be prepared for the whole regional district. However, under the legislation the regional district can apply to the minister for approval to develop sub-regional or multi-regional strategies. This provides the needed flexibility to match the strategy to the appropriate region—either smaller or larger than the regional district itself. Multi-regional strategies would also require the agreement of the adjoining regional district(s) affected.

Section 851
(3)The minister may establish terms and conditions for a regional growth strategy authorized under subsection (2) or required under section 852.
(4)If the minister considers this necessary or advisable for a regional district service in relation to a regional growth strategy referred to in subsection (3), the minister may by order give directions respecting the operation of the service, sharing of costs, voting on bylaws and resolutions relating to the service, the intergovernmental advisory committee and other matters relating to the regional growth strategy.

Under section 851(3), the minister may specify terms and conditions for an RGS that applies to an area that is smaller than the entire regional district, or one that is prepared jointly with another regional district. For example, a "term" could be a definition of the boundaries for the RGS, and a "condition" could be the authorization of a sub-regional strategy on condition that X, Y and Z issues are addressed. In addition, under section 851(4) the minister may give directions by order regarding cost-sharing, voting rules and other matters. For example, two regional districts might have different voting structures, and a ministerial order would be required to give direction on the process of voting on resolutions and bylaws with respect to the joint regional growth strategy.

Any ministerial order made in relation to a sub-regional or multi-regional RGS will prevail over a provision in the *Local Government Act*. In the case of a joint regional growth strategy, for example, an order under section 851(4) might be inconsistent with the existing section 783 of the Act, which sets out the number of votes to which each municipality and electoral area in the regional district is entitled.

Notification

Once the content and boundaries of a strategy have been determined, the regional district must give written notice of the initiation of the RGS to affected local governments and to the minister. While the legislation doesn't require formal notification of any individuals, organizations and authorities that may be affected by the strategy, the regional district must provide for early and ongoing consultation with these parties. Part of this consultation may include giving formal notice of the initiation to, as examples, first nations, citizen groups, and the federal government.

Moving Towards Consensus

The process for preparing a growth strategy is up to each region—some districts may undertake extensive research and assess a number of options; others may move through the process more quickly.

Consultation

The regional district must provide the opportunity for consultation with individuals, organizations and authorities that the regional district considers will be affected by the strategy (section 855). This includes the adoption of a formal consultation plan that provides for early and ongoing consultation with residents, affected local governments, first nations, provincial and federal agencies and authorities, as well as school districts, greater boards—such as the Greater Vancouver Water District—and improvement district(s). The legislation does not specify what type of consultation must be undertaken. Consultation could include such things as public information sessions, topic workshops, working committees, liaison sessions with interest groups, publications and surveys.

The regional district must determine the most appropriate method of consulting with those who could be affected by the RGS. As long as the regional district has conducted "reasonable consultation", failure to conduct consultation in the manner set out in the consultation plan does not mean that the RGS can be invalidated as a result of judicial review (section 855(3)).

In addition to extensive, early and ongoing consultation in the preparation of an RGS, the regional district must hold a public hearing when a strategy has been developed and given second reading, and before it is submitted for acceptance to affected local governments. At this stage, the strategy is considered to be a draft strategy. The public hearing provides the formal opportunity for input that is customary for land use planning and zoning bylaws. The public hearing may be only a formality as all parties that could be affected by the RGS would have been involved from the beginning.

Section 855
(1)During the development of a regional growth strategy,
(a)the proposing board must provide opportunity for consultation with persons, organizations and authorities who the board considers will be affected by the regional growth strategy, and
(b)the board and the affected local governments must make all reasonable efforts to reach agreement on a proposed regional growth strategy.
(2)For the purpose of subsection (1)(a), as soon as possible after the initiation of a regional growth strategy, the board must adopt a consultation plan that, in the opinion of the board, provides opportunities for early and ongoing consultation with, at a minimum,
(a)its citizens,
(b)affected local governments,
(c)first nations,
(d)school district boards, greater boards and improvement district boards, and
(e)the provincial and federal governments and their agencies.

Section 867
(1)A board may establish an intergovernmental advisory committee for its regional district and must establish an intergovernmental advisory committee for its regional district when a regional growth strategy is initiated.
(2)The role of an intergovernmental advisory committee is
(a)to advise the applicable local government on the development and implementation of the regional growth strategy, and
(b)to facilitate coordination of provincial and local government actions, policies and programs as they relate to the development and implementation of the regional growth strategy.
(3) The membership of an intergovernmental advisory committee is to include the following:
(a)the planning director of the regional district, or another official appointed by the board;
(b)the planning director, or another official appointed by the applicable council, of each municipality all or part of which is covered by the regional growth strategy;
(c)senior representatives of the provincial government and provincial government agencies and corporations, determined by the minister after consultation with the board;
(d)representatives of other authorities and organizations if invited to participate by the board.

The procedure for the public hearing has been established by a minister's regulation. A minister's regulation ensures a customized public hearing process for RGS development, as the public hearing process already contained in section 890 of the legislation does not take into account the early and ongoing consultative process established under the growth strategy provisions.

Intergovernmental Advisory Committees

Once a growth strategy has been initiated, the regional district would form an intergovernmental advisory committee (IAC), as required under Section 867. This committee would include senior local government staff and senior provincial staff from appropriate ministries and agencies, plus invited others.

The regional district would be represented on the region's IAC by its planning director or other official appointed by the regional district board. A municipality would be represented by its planning director or by another official appointed by the council. Provincial representatives of ministries, crown agencies and corporations would be appointed by the minister, in consultation with the regional district board. Representatives of other authorities, such as the federal government or school districts can be invited to sit on an IAC, fostering broad involvement on an early and ongoing basis. The role of the IAC is to advise a regional district on the development of an RGS and to help coordinate provincial and local government actions, policies and programs as they relate to the strategy.

A key aspect of the IAC is to inform the local government process by providing a forum for provincial and local government senior staff to come to the table at the beginning of the process to discuss provincial interests and the tools the provincial government is prepared to use to support particular outcomes and to develop strategies for implementing common provincial/local objectives. Provincial representatives on the IAC act with a clear mandate.

This reinforces the provincial commitment to the regional growth strategy process.

The terms, specific roles and meeting frequency will be determined by each regional district board. In some regions, the IACs will meet infrequently as a whole, but may have several working committees focused on specific elements of the growth strategy. In other regions, the IACs may be centrally involved in most aspects of the strategy.

Reaching Agreement

The interactive model for regional growth strategies recognizes that the most effective plans are those where there is local "buy-in" to the process, ongoing involvement and political commitment. In order to facilitate this, the legislation encourages municipalities and regional districts to identify common issues and work towards mutually acceptable solutions to achieve buy-in and commitment to an RGS. In particular:

- being non-hierarchical, it encourages dialogue between equals, negotiation and compromise; and,
- by limiting RGSs to matters that must be managed regionally, it minimizes overlap between regional strategies and OCPs.

The legislation provides many opportunities for municipalities and regional districts to address issues of common concern, and ensures that all efforts are made to reach agreement on an RGS which meets the priorities and goals of all parties. Section 855(1)(b) reinforces this by requiring the regional district and affected local governments to make all reasonable efforts to reach agreement on a proposed RGS.

Regional districts and municipalities, in preparing an RGS, are encouraged to:

- respect fairly all diverse elements of participants and their constituency;
- focus on the underlying interests each wants to accomplish; and,
- look for mutually acceptable outcomes that meet the joint objectives of all the parties.

Section 856
(1)The minister may appoint facilitators for the purposes of this Part, whose responsibilities are
(a)to monitor and assist local governments in reaching agreement on the acceptance of regional growth strategies during their development by
(i)facilitating negotiations between the local governments,
(ii)facilitating the resolution of anticipated objections,
(iii)providing assistance to local governments in setting up and using non-binding resolution processes, and
(iv)facilitating the involvement of the provincial and federal governments and their agencies, first nations, school district boards, greater boards and improvement district boards, and,
(b)to assist local governments in entering into implementation agreements under section 868.
(2)On being notified that a regional growth strategy has been initiated, the minister may designate a person appointed under subsection (1) as the facilitator responsible in relation to the regional growth strategy.

The success of reaching agreement on a growth strategy depends on the participants' preparedness to work together to address growth-related challenges, and their ability to look beyond local interests. Success also depends on seeking solutions that are satisfactory to all through the creation of alternatives and the negotiation of compromises among varied interests. (Note: The Ministry publication *Reaching Agreement on Regional Growth Strategies* focuses specifically on reaching agreement during the development of regional growth strategies and regional context statements.)

Facilitator

A unique aspect of the legislation is the creation of a facilitator function. Section 856 authorizes the minister to appoint facilitators to monitor the development of a growth strategy and, where requested, facilitate negotiations between the local governments, the provincial government and others, plus provide other assistance as required.

The regional district proposing the RGS or an affected local government can request the assistance of a facilitator. Also, an electoral area director, if supported by at least two other regional district directors, can request a facilitator's assistance. This provides electoral area directors, who do not have formal "acceptance", another opportunity to have their issues considered.

To assist participants in developing a strategy, a facilitator could provide information on working collaboratively in the planning process, effective negotiation and participation in a non-binding resolution or final settlement process, as well as other support as needed.

The parties will not be required to take the facilitator's assistance nor be bound to use the suggested processes in the early stages. These services will simply be made available to them.

This approach supports flexibility and local control by enabling the local governments to determine their own process and to request the aid of a neutral expert.

If an outstanding issue remains during negotiations on an RGS, a facilitator could recommend non-binding resolution processes (e.g. mediation) to assist in achieving agreement. Additionally, after a strategy is approved, a facilitator could assist local governments in entering into implementation agreements with the provincial government and others.

The role of the facilitator is pivotal in keeping discussions and negotiations between local governments on track. The facilitator's role in directing these parties to appropriate non-binding resolution processes is also key to achieving agreement between parties and avoiding a final settlement process. The regional district, all affected municipalities and adjoining regional districts, may choose to participate in any non-binding resolution process utilized to reach agreement on issues that are potential obstacles to acceptance.

Section 857
(3)For the purposes of this section, after the public hearing under section 855(4) and before third reading of the bylaw to adopt a regional growth strategy, the board must submit the regional growth strategy to
(a)the council of each municipality or all or part of which is covered by the regional growth strategy,
(b)the board of each regional district that is adjoining an area to which the regional growth strategy is to apply, and
(c)the facilitator or, if no facilitator for the regional growth strategy has been designated, the minister.

Gaining Acceptance

After the regional district board gives first and second reading to an RGS and holds a public hearing, it must refer the strategy for acceptance to any municipalities within the areas covered by the strategy, adjoining regional districts and the facilitator (or to the minister, if no facilitator has been appointed). This provision, contained in section 857 is a required step in the interactive planning system, which has regional districts and municipalities carrying equal weight. This follows the principle that decisions should be made as close to the local level as possible. Therefore, municipalities and regional districts would be responsible for ensuring that their plans are consistent and compatible.

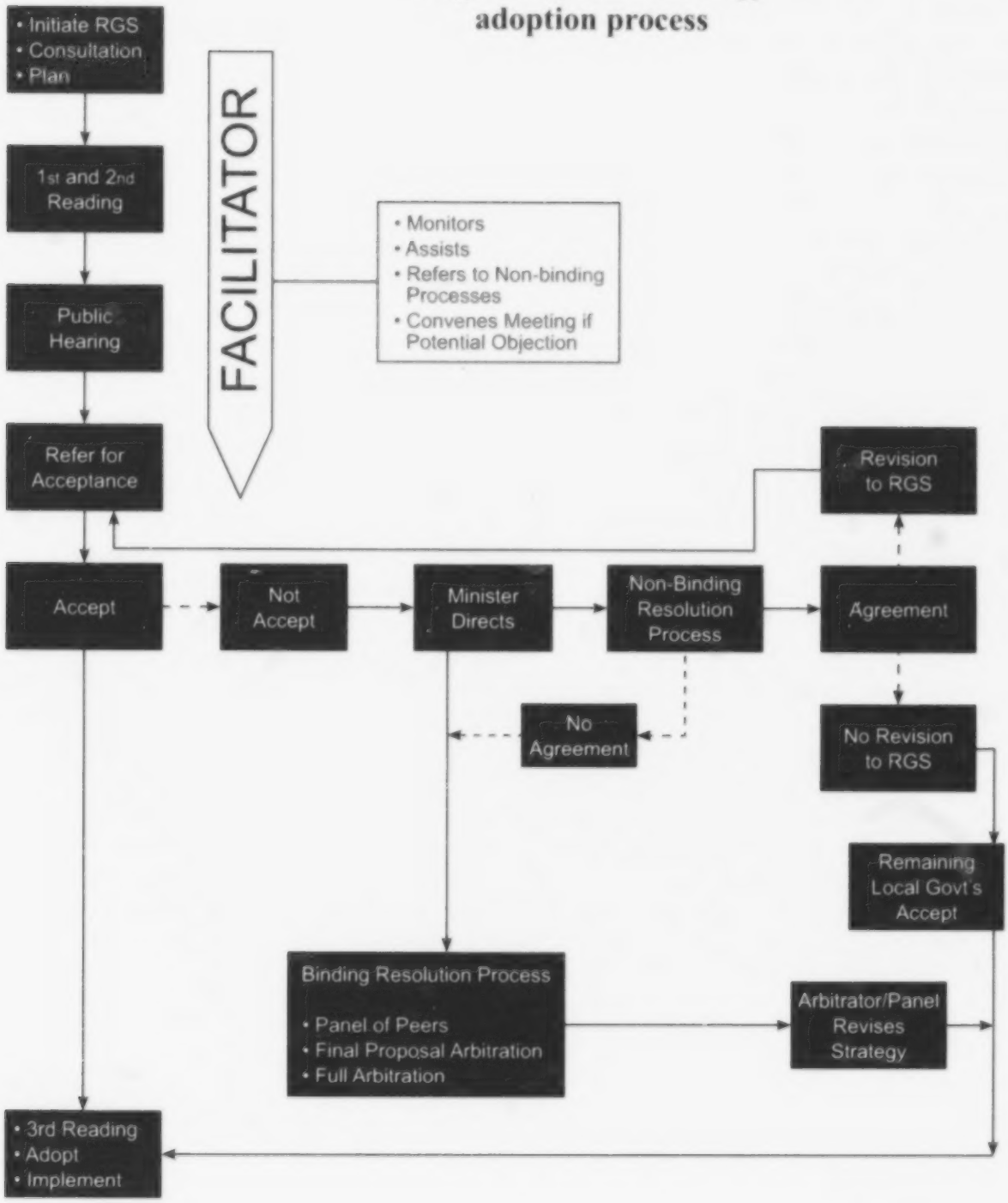
Section 857 contd.
(4)After receiving a proposed regional growth strategy under subsection (3), each affected local government must
(a)review the regional growth strategy in the context of any community plans and regional growth strategies for its jurisdiction, both those that are current and those that are in preparation, and in the context of any other matters that affect its jurisdiction, and
(b)subject to an extension under section 858(3) within 120 days of receipt either
(i)accept the regional growth strategy, or
(ii)respond, by resolution, to the proposing board indicating that the local government refuses to accept the regional growth strategy.

The legislation relies on a process of acceptance and resolving differences, rather than a hierarchy, to ensure that plans fit together and that closure is achieved. A flow chart which illustrates this process is shown on page 19.

Once a participating municipality or adjoining regional district has received a strategy referred to it for acceptance, it must review the RGS in the context of any community plans or regional growth strategies (that currently exist or are in the preparation stages) for its jurisdiction and any other issues affecting it. Each jurisdiction has 120 days in which to review the strategy before notifying the regional district board whether they accept it. Since they will have been involved in the RGS development process from the beginning and will have worked to reach mutual agreement on a meaningful strategy, they may not need the full 120 days. Barring any unresolved differences that may result, the affected local governments notify the regional district that they have passed a resolution accepting the strategy. Once notified of participants' acceptance, the regional district proceeds to third reading and adoption of the strategy by bylaw.

If the facilitator anticipates non-acceptance during the 120-day review period, he or she may convene a meeting between the regional district and the affected local governments (section 858). The purpose of the meeting is to clarify the issue(s) which non-acceptance may hinge upon and to encourage their resolution prior to formal communication with the board. If the facilitator anticipates that agreement is possible but more time is required, he or she may extend the 120-day acceptance period. This would diffuse the situation and allow the parties to concentrate on resolving their differences, using whatever process(es) they choose, in consultation with the facilitator.

Regional growth strategy adoption process



Section 853
(2)As an exception to subsection (1)(c), a regional growth strategy may be adopted without acceptance in relation to a specific provision if
(a)the provision is included on the basis that it is not binding on the jurisdiction of a local government that has refused to accept it, and
(b)the board considers that it is not essential to the regional growth strategy that the provision apply to that jurisdiction.
(3)A provision included under subsection (2) becomes binding on a jurisdiction if, at any time after adoption of the regional growth strategy, the local government for the jurisdiction indicates to the board that it accepts the provision.

Section 853(2) provides an "agree to disagree" option for addressing outstanding issues of a minor nature in a growth strategy. Specifically, if a local government objects to a specific provision of the RGS, and the regional district board does not consider the specific provision to be critical to the overall strategy, the local government can accept the RGS on the basis that the provision does not apply to that local government. A notation clarifying the provision which the regional district and local government agree to disagree on will be included in the RGS. The local government may choose to accept the provision later on, at which time it would apply to that jurisdiction. For example, this would ensure that the process of developing the RGS is not delayed pending the completion of a study on potential recreation corridors within the region.

Resolving Differences

Much of the legislation is devoted to the details of the dispute resolution process. While this may seem to undermine or challenge the ability for parties to reach consensus, the details are necessary to make sure that the RGS process comes to an end—in effect, to secure "closure". From pre-legislation input it was clear that the legislation had to provide a "menu of options", rather than only one process to resolve differences. Consequently, it was a challenge to design a dispute resolution system that was fair and flexible, and at the same time one that had the right balance of incentives and disincentives to emphasize cooperative and collaborative processes. While the dispute resolution system may appear to be complex, it is not used very often, as local governments have the tools to negotiate, compromise and reach agreement among themselves.

One of the principles of the legislation is that differences must be resolved to ensure effective regional growth strategies. If a municipality or adjoining regional district are unable to reach agreement on an issue in the RGS proposed by a regional district, and refuses to accept the strategy, the minister is notified. Even at this stage, the primary focus is on reaching an agreement, despite any efforts already made or resisted earlier. The process discourages any efforts on the part of local government to avoid taking responsibility for reaching an agreement.

Once an analysis has been made of the specific issue and circumstances resulting in non-acceptance of an RGS, the minister, or the minister's delegate, will direct the parties to either a non-binding resolution or settlement process. A recommendation will be made to the parties on a collaborative process to be used to try to reach agreement. If the parties have already made bona fide efforts to reach agreement and have not been successful, the minister may require the parties to proceed to final settlement. The minister has no direct role in resolving the dispute, but rather acts as a "traffic cop", directing parties to the most appropriate process for the issues and circumstances.

The costs of both a non-binding resolution process or settlement process entered into at this late stage will be borne by the participants in the process. This assessment of costs for a non-binding or settlement process at this point is meant to act as an incentive for local governments to make every effort to use collaborative resolution processes at an earlier stage.

Non-binding Resolution

If there is an opportunity for parties to resolve outstanding issues with the assistance of a neutral expert, the minister will direct the parties to use a non-binding resolution process. The choice of which specific, non-binding resolution process to use is for the board and the local government or governments that did not accept the RGS to decide, although the facilitator will be available to provide recommendations. If the parties cannot agree on which resolution process to use, the minister will determine the process. All affected local governments may participate in the resolution process.

Section 859

(1)The proposing board must notify the minister in writing if an affected local government refuses to accept a proposed regional growth strategy.

(2)After being notified under subsection (1), the minister must

(a)require a non-binding resolution process to attempt to reach acceptance on the regional growth strategy, specifying a time period in which the parties must begin the resolution process, or (b) if satisfied that resolution using a non-binding resolution process under paragraph (a) is unlikely, direct that the regional growth strategy is to be settled under section 859.

(3)The choice of non-binding resolution process is to be determined by agreement between the proposing board and the local government or governments that refused to accept the regional strategy but, if the minister considers that these parties will not be able to reach agreement, the minister must direct which process is to be used.

The fees of any neutral expert and the administrative costs of the non-binding resolution process, other than the direct costs incurred by the participants in the process, will be shared proportionately between the proposing regional district and the affected local governments which participate.

The costs will be apportioned on the basis of the converted value of land and improvements in that part of each jurisdiction that is covered by the RGS. For example, if municipality A, with a converted assessed value of $10 million, and municipality B, with a converted assessed value of $20 million, are parties to a resolution process with regional district C, with a total combined converted assessed value for all municipalities and electoral areas of $70 million, then A would pay 10%, B would pay 20% and C would pay 70% of the fees of a neutral person (e.g. mediator) and related administrative costs. The regional district's share would in turn be apportioned to all municipalities and electoral areas included in the strategy in the same manner as other costs related to the strategy. This apportionment of costs follows the formula for all general services.

If changes to the RGS are proposed based on results of the non-binding process, the strategy must again be submitted to affected local governments for acceptance. This step is required because not all affected local governments may have participated in the resolution process or been a party to the proposed changes which may directly affect them. The same provisions under section 857 which governed the initial referral and acceptance will apply here, except that in this case acceptance must be reached within 60 days of the conclusion of a resolution process. If acceptance cannot be achieved within the 60-day time frame, the RGS is automatically referred for settlement under the provisions established in section 860.

Settlement of an RGS

Closure on issues is needed, but the use of a final settlement process would only be used as a "last resort", when all other methods of dispute resolution to facilitate reaching agreement have failed, or are destined to fail because differences are too deeply entrenched.

In the event that an affected local government notifies the minister that it will not accept the RGS, in spite of any non-binding process to be undertaken, the minister can refer the strategy for final settlement. Alternatively, if a non-binding resolution process has been used and the parties were still not able to reach agreement, the strategy will automatically be referred for settlement.

Section 861 outlines three options for final settlement—a peer panel, final proposal arbitration or full arbitration. The choice of settlement process is to be made by agreement between the regional district and the local government(s) that did not accept the RGS. If, within a reasonable time period, the parties cannot decide on the option to be used for final settlement of the strategy, the minister will choose the most appropriate settlement process based upon the issue(s) in dispute and specific circumstances.

Specific procedural rules for each of the three options are set out in regulation (B.C. Reg. 191.98 & 192.98).

Peer Panel

One settlement option draws on the resources of a panel of three individuals who are locally elected officials (current or former) or who, in the opinion of the minister, have appropriate experience in relation to local government matters. These individuals cannot be elected officials from a local government that is currently involved in the preparation of the RGS in question. A list of potential candidates for the peer panel who have the relevant knowledge and experience in local government matters and dispute resolution processes will be prepared by the minister in consultation with the UBCM. The selection of the panel will be made by the regional district and the local government(s) that did not accept the RGS, or by the minister if these parties cannot decide within a reasonable time period.

The panel will hear presentations from the local governments participating in the settlement proceedings and make any decision it considers appropriate to settle the disputed issues. Written reasons will be provided upon request, if the request is made prior to the panel retiring to make its decision after the proceedings have concluded. This option may give local governments some comfort that the members of the panel will be familiar with the issues before them and it gives an opportunity for those not involved in the dispute to try to resolve it for them.

Final Proposal Arbitration

A second option for final settlement is by an individual arbitrator who determines each disputed issue by **selecting one** of the final written proposals submitted by the participating parties.

Each party participating in the process files a written recommendation for resolution of the disputed issue with the arbitrator. The arbitrator would not have to prepare written reasons and would simply choose one of the final proposals submitted. Written reasons are not required in this option, as the nature of the final proposal arbitration process makes the giving of reasons often very difficult. The arbitrator may not like any of the proposals but must choose one of them. The RGS will be settled after incorporation of the final proposal(s) selected by the arbitrator.

A list of potential arbitrators has been prepared by the minister in consultation with the UBCM. The candidates are experienced arbitrators, with extensive knowledge of the law. The selection of the arbitrator will be made by the regional district and the local government(s) that did not accept the RGS. If they cannot decide, the minister will select the arbitrator. Regulations prepared by the ministry determine how the proceedings are to be conducted. This will be the most time and cost-efficient method of final settlement, although suitable only for the least complex of issues.

Full Arbitration

The third option for settlement of an RGS is by an individual arbitrator who hears presentations from the local governments participating, but can make any decision they consider appropriate. Candidates will be experienced arbitrators, with extensive knowledge of the law. As with the other two options, the choice of arbitrator will be left up to the regional district and local governments which did not accept the RGS, or failing agreement, by the minister. Regulations specify how the proceedings are to be conducted. Written reasons for the decision are required. A list of potential arbitrators will be prepared by the minister in consultation with the UBCM.

Judicial Review

Section 862(6) provides for a judicial review of the panel or arbitrator's decision. The time period for initiating such a review is during the 60 days after the decision has been made. Judicial review involves the Supreme Court of British Columbia reviewing the way in which the panel or arbitrator made the decision. It is not an appeal of the merits of the decision.

General Provisions Regarding Settlement of an RGS

If there is more than one affected local government that has not accepted the RGS, whether the issues are the same or different, the strategy will be settled for all in the same settlement proceedings. All affected local governments, even if they accepted the RGS, may participate in the settlement process. In addition, the electoral area directors in the regional district where the proposed growth strategy will apply, and the provincial government, may make representations in the settlement process, subject to any conditions set by the panel or arbitrator. To ensure that there is closure, the decision resulting from the settlement process option will be final and binding on all the local governments affected, whether or not they chose to participate in the process. This means that the adjudicator—peer panel or arbitrator—has the ability to amend the RGS.

Section 864
(1)If a proposed regional growth strategy has been accepted by the affected local governments or has become binding under section 860(6), but has not been adopted by the proposing board, on the recommendation of the minister, the Lieutenant Governor in Council may, by order, specify a time by which the board must adopt the regional growth strategy.
(2)If the board does not adopt the regional growth strategy within the period specified under subsection(1) the Lieutenant Governor in Council may, by order, deem the regional growth strategy to have been adopted by the board, in which case it applies as if it had been adopted by a valid bylaw of the board.

Again, consistent with the principle that the planning system should be biased toward agreement, every opportunity is given to the parties to achieve agreement during final settlement. During a settlement proceeding, the parties can continue to negotiate on a mutually acceptable agreement, and at any point in the process the parties can reach agreement on the RGS, the affected local governments would accept it, and the proceedings would be terminated. Even at the stage where a decision has been made by a peer panel or arbitrator, the parties are provided an opportunity for "sober second thought". Specifically, the regional district and affected local governments will have 60 days, after a decision has been rendered, in which to negotiate a different resolution for the strategy before the panel's or arbitrator's decision becomes final and binding. This provides the final opportunity for reaching agreement, as there has to be a mechanism that will ultimately bring the issue(s) and, therefore, the RGS process, to closure.

Once settlement of an RGS is achieved, the regional district goes on to give the strategy third reading and bylaw adoption. If the regional district fails to adopt the RGS, Cabinet can require the regional district adopt the strategy within a specified time period (section 864).

The fees and expenses of a peer panel or arbitrator and administrative costs of the process, in addition to the costs incurred by the individual parties participating in the process, will be paid by the parties participating in the settlement process. The costs will be shared proportionately between the proposing regional district and the affected local governments that participate, on the basis of the converted value of land and by improvements in their jurisdictions. This is the same cost-sharing formula described in the non-binding resolution processes section (page 22). If agreed to by the parties, the fees, expenses and administrative costs can be allocated on any other basis. In addition, a peer panel or arbitrator has the authority to reallocate the costs after hearing all the parties and making a decision.

With the emphasis of the legislation on working cooperatively and reaching agreement on a growth strategy that meets everyone's needs, it is anticipated that only in the rarest of circumstances will there be a referral to the minister for direction on any of the final settlement processes outlined above.

Putting the Strategy to Work—Implementing an RGS

Once an RGS has been adopted, all subsequent regional district bylaws and all works and services undertaken by the regional district, or by a greater board or an improvement district must be consistent with the RGS. This section parallels section 884 of the *Local Government Act*, requiring a municipality's actions to be consistent with its OCP while not committing the municipality to projects specified in it (since conditions may change, making a particular project no longer feasible). This requirement ensures that regional growth strategies have the intended binding effect on actions of local bodies, with the limitation that these actions do not include specific projects that may be planned.

Developing Regional Context Statements

Within two years of adopting a regional growth strategy, a municipality must adopt a regional context statement (section 866) which:

- identifies the relationship between the official community plan and the content of a regional growth strategy; and,
- specifies how the OCP and the RGS would be made consistent over time.

A regional context statement must be submitted for acceptance to the regional district. Reference should be made to Part 3 of this document for a more detailed description of a regional context statement and its relationship to the growth strategy.

Achieving Implementation Agreements

The legislation also provides for implementation agreements (IAs) between the regional district and other bodies where cooperation is required to implement the strategy (section 868). The primary focus will be on provincial ministries and agencies. However, it could include others, such as the regional district's member municipalities and adjoining regional districts or other local bodies such as airport or port authorities.

Section 868
(1)A local government may enter into agreements respecting the coordination of activities to the implementation of a regional growth strategy.
(2)For the purposes of this section, the provincial government may enter into agreements under subsection (1) respecting provincial commitments to act consistently with a regional growth strategy and to take actions necessary to implement a regional growth strategy.
(3)In addition to agreements with the provincial government and its agencies, agreements under subsection (1) may be made with the federal government and its agencies, other local governments, first nations, school district boards, greater boards, improvement district boards and other local authorities.

Implementation agreements are an important tool designed to promote coordinated local/provincial actions. IAs can deal with a wide range of matters. These agreements are the primary means for the regional district and the provincial government to commit to actions on implementation of the RGS—for example, infrastructure investments, programs and policies.

The content of these agreements vary by region. For example, in the GVRD a primary focus is transit infrastructure investments and supportive land use patterns. On central Vancouver Island, agreements focus on means for achieving urban containment. Agreements in the Okanagan focus on measures to maintain water quantity and quality, such as water supply, watershed planning, water and sewer infrastructure. If requested, the minister-appointed facilitator, under section 856, could provide assistance to the regional district and its member municipalities in entering into implementation agreements with each other, the provincial government and others.

Monitoring and Reviewing an RGS

After adopting a strategy, the regional district must establish a program to monitor its implementation. It must also publish an annual "progress report" to report on actions to date in relation to implementing the RGS. To ensure that it remains up-to-date, the regional district will also reassess the RGS at least once every five years, and consider whether amendments are necessary. As with the development of the RGS, growth strategy reviews are inclusive processes, involving the public, organizations and other authorities as listed in section 855.

Other Matters

Minister Can Require Planning

The legislation provides the minister with the authority to require OCPs and land use bylaws in areas where none exist but that are covered by a regional growth strategy (section 871). Currently, unzoned/unplanned areas in the province are allowed to develop subject to the minimum restrictions imposed under the *Local Services Act*. Like any planning, an RGS can only be effective if implemented. The primary tools for implementation are OCPs and zoning bylaws. This provision enables the minister to require that unplanned areas in the province adopt development controls. It provides a "safety valve" to ensure that unzoned areas do not undermine implementation of an adopted RGS.

Section 871
After a regional growth strategy has been adopted, the minister may require a municipality or regional district to adopt, within a time specified by the minister, an official community plan, a rural land use bylaw, a zoning bylaw or a subdivision servicing bylaw for an area that is covered by the regional growth strategy and to which no such plan or bylaw currently applies.

Amendments to Other Acts

The enactment of the growth strategies legislation necessitated amendments to other, related Acts—the *Islands Trust Act*, the *Vancouver Charter* and the *Agricultural Land Commission Act*.

Section 37
Islands Trust Act
(1)The trust council and the board of a regional district, all or part of which is within the trust area, may enter into agreements respecting the coordination of official community plans, rural land use bylaws and the trust policy statement with services to be provided within the trust area by the regional district.
(2)An agreement under subsection (1) may provide for the sharing by the trust council and the regional district of the costs of the services covered by the agreement.
(3)The trust council, a local trust committee or the executive committee acting as a local trust committee shall not adopt a bylaw that is contrary to or at variance with an agreement under subsection (1).
(4)The trust council or the executive committee shall not approve a bylaw of a local trust committee that is contrary to or at variance with an agreement under subsection (1).
(5)Despite section 791 of the *Local Government Act*, for voting in relation to an agreement under this section, the regional board directors who represent a municipality or electoral area all or part of which is within the trust area may vote.

Islands Trust Act

The Islands Trust encompasses an area which spans seven regional districts—Capital, Cowichan Valley, Nanaimo, Comox-Strathcona, Sunshine Coast, Powell River and Greater Vancouver.

A number of provisions in the *Islands Trust Act* facilitate cooperation between the Islands Trust and a regional district initiating an RGS, without unduly impacting upon the unique planning authority of the Trust. An RGS prepared by a regional district will not apply to the Trust area. Because of the division of responsibilities between the Islands Trust (land use planning) and the regional districts (service delivery), neither the Trust nor the regional districts could prepare a strategy as envisioned under the growth strategies legislation. The Trust and the regional districts should be able to achieve an equivalent level of planning and service coordination using the coordination agreements that are now authorized under section 37 of the *Islands Trust Act*. These agreements provide a means for the Trust Council to ensure coordination of its planning responsibilities with the service delivery responsibilities of regional districts—and vice versa—while still respecting the existing division of responsibilities between the Trust and the regional districts. In effect, it creates the prospects for enhanced cooperation and collaboration between the Trust and regional districts.

Referral of a proposed Trust policy statement or amendments to the regional district boards in the Trust area for comment is required, although acceptance by the regional district is not. This is a referral for information only. This is significant because the regional districts are able to review the preliminary land policy document of the Trust and influence its shape. Although there is no requirement under the legislation for a regional district in the Trust area to refer a growth strategy to the Trust for comment, this reciprocal gesture would be expected.

Vancouver Charter

Provisions in the *Vancouver Charter* ensure that Part 25 of the *LGA*, which contains the growth strategies provisions, applies to the City of Vancouver. For the purposes of municipal participation in the development of regional growth strategies, the City is no different than any other municipality in the province.

Agricultural Land Commission Act

A provision is also included in the *Agricultural Land Commission Act* which ensures that an RGS adopted by a regional district does not override the provisions of the *Agricultural Land Commission Act* and designations of the Agricultural Land Reserve.

Provincial Support for Growth Strategies

The Intergovernmental Relations and Planning Division, located in the Ministry of Community Services, provides support to the local government growth strategies processes. The ministry has appointed "provincial coordinators" for each of the high growth regions. These individuals coordinate the involvement of provincial agencies in the preparation and implementation of regional growth strategies for each of the high growth regions. Coordinators also ensure that the provincial interest is clearly represented during the RGS preparation and implementation stages.

PART 3

Focus on Municipalities

This part of the guide is intended to put the growth strategies legislation in a municipal context, focusing on:

- how municipalities can participate in the development of a regional growth strategy; and,
- the relationship between community plans and a regional growth strategy.

The legislation enhances municipalities' roles in shaping their region. It does this by providing for extensive municipal participation in the development of a regional growth strategy and also by providing a regional context for a municipality's own community plan. The legislation was drafted in keeping with the "subsidiary principle"—that, unless there is a compelling argument that a particular decision must be made at a regional level, it should be decided at the municipal level. The legislation was written with a bias towards local autonomy.

Like a neighbourhood plan or an official community plan, a regional growth strategy is a general vision of how an area should develop. However, the similarities stop there. Unlike a neighbourhood plan or an official community plan, an RGS is focused only on those issues that spill across local government boundaries, and cannot be managed by one jurisdiction alone. A strategy provides a means of ensuring consistency or compatibility among the various OCPs within a region and a means of linking these with the actions and plans of other levels of government and other organizations. An RGS is not an OCP done at a larger scale; instead it provides a framework for the individual OCPs within the region.

Municipal Participation

Initiating an RGS

The development of a regional growth strategy is "established as a service" of the regional district, under section 796 of the *Local Government Act*. If a regional district initiates an RGS all municipalities and electoral areas are participants in the service. This means that a municipality's representative(s) on the regional district board will vote on all matters related to the strategy. It also means that the municipality, through its representative(s) on the regional district board, will have a say in shaping the work plan and budget for the growth strategy program.

As described in Part 2, the legislation provides flexibility in the **content** of an RGS, to reflect the unique circumstances of each region. It does this by allowing for the scope to be expanded beyond the essential elements of the legislation for items of regional significance.

The differentiation between "local interest" and "regional interest" is not something that could be determined definitively in legislation. It is something that is subjective, and must be determined issue by issue, region by region. The intended regional focus of an RGS is made very clear in the legislation, particularly in section 850(2)(c), which states that the proposed actions are to be limited **to the extent that these are regional matters**. Using housing as an example, the regional district must ask "what aspects of housing are truly regional in nature and must be addressed on a regional scale?" All other aspects of housing should be left to the individual community plans within the region.

It would not be appropriate for an RGS to deal with an issue that relates to only one municipality. This, by definition, would be a "local" issue.

As described in Part 2, an RGS would normally cover the entire regional district. However, with the approval of the minister, a strategy could cover more than one regional district or only part of a regional district (section 851(2)). A municipal council, or electoral area director, could advocate to the regional district that its area be excluded from the boundaries of an RGS if, for example, the area were remote from the faster-growing areas of the region and, in their opinion, unlikely to benefit from participation.

Section 851
2)On request by the applicable board or boards, the minister may authorize a regional growth strategy that
(a)applies to only part of a regional district, or
(b)is developed jointly by 2 or more regional districts to apply to all or parts of those regional districts.

Prior to the initiation of a growth strategy process, the board of the regional district is expected to communicate directly with member municipalities' councils. In consulting with member municipalities on whether to initiate an RGS, the regional district should also seek agreement on whether additional regional matters should be included. However, as with the issue of boundaries, municipal councils could take the initiative in proposing the content of the growth strategy to the regional district.

The formal decision by a regional district to initiate an RGS should follow substantial discussion with municipal councils within the region. A municipality could initiate the discussion if it considered that it would benefit from greater coordination between local governments within the region and from improved links with provincial agencies and other organizations whose actions, policies and programs impact on local government planning.

Consultation on the initiation of a growth strategy need not be limited to boundaries and content. It would be the appropriate time for the regional district and its member municipalities to discuss a number of other matters that would ensure that all parties are comfortable with the direction being taken. A more complete agenda might include:

need what issues are regional in nature and could benefit from an RGS;

boundaries whether the whole regional district should be included;

scope	whether additional matters, over and above the essential elements listed in the legislation, should be included;
goals	whether the RGS should be focused only on the goals provided in section 849, or whether there are additional goals, or more specific objectives, that the strategy should try to achieve;
process	what public consultation process should be used to develop the strategy;
information	whether the municipality has, or can obtain, information that would be of assistance; and,
implementation	what aspects of the RGS will likely require implementation agreements, under section 868. Early discussion of implementation agreements would ensure that all appropriate parties are involved in the development of the strategy, and would also allow for these agreements to be developed concurrently with the RGS process.

Developing an RGS

The regional district will find a principal source of guidance in developing a regional growth strategy to be its intergovernmental advisory committee (IAC), required under section 867. The role and composition of IACs are discussed in Part 2 of this document.

Municipal participation on IACs will not only help shape the regional growth strategy and improve coordination between local governments within the region, it should also reap benefits at a local level through increased interaction between municipal staff, regional district staff and provincial representatives, and representatives of other organizations.

In most cases, municipal membership on the regional board and municipal staff membership on the IAC will ensure that a council is fully informed and involved in the preparation of an RGS. The legislation, however, also requires the regional district to adopt a consultation plan which includes formal consultation with member municipalities.

As one format for regional/municipal consultation, the GVRD pioneered the concept of a "council of councils", where all municipal councillors within the region are periodically invited to meet with the regional district to review the progress being made on the regional strategy and discuss the next steps. Other models include the creation of round tables, with membership from municipalities and a broad range of community interests. Either of these could be combined with meetings between the regional district and individual municipalities, to ensure ongoing consultation and information exchange.

Reaching Agreement

Under the growth strategies legislation, responsibility rests with participating municipalities and regional districts to identify mutual issues and work towards solutions. How successful they will be in reaching agreement will depend on a number of things, including the ability of the parties to establish and maintain good working relationships, the level of respect shown by regional districts for local autonomy and the degree of willingness of municipalities to consider broader, regional interests.

Experience in British Columbia and elsewhere suggests that where municipalities are actively involved in regional planning, they are more likely to achieve a better understanding of the issues they share. They are also more likely to develop a greater commitment to achieving mutually agreeable solutions, and will have greater influence over the regional strategy. Conversely, municipalities that avoid involvement are less likely to achieve agreement on mutual issues and will have less influence over the regional strategy. The legislation reinforces this by directing municipal councils and regional districts to "**make all reasonable efforts to reach agreement**". Such a provision is unusual in legislation, because it is essentially a reminder that agreement cannot be achieved if the parties are unwilling to try.

One of the unique features of the legislation is the creation of the facilitator function described in Part 2. If a municipal council considers that the facilitator could assist in its negotiations with the regional district, it may request the facilitator's involvement.

Resolving Differences

In the interactive planning system introduced by the growth strategies legislation, the region must gain municipal "acceptance" of its proposed growth strategy and municipalities must achieve regional "acceptance" of their regional context statement. If they can't agree, they must then go through a process to resolve their differences.

Where a municipality and a regional district reached an impasse, and the municipality has formally objected to a proposed RGS, the legislation provides a number of ways to resolve the issue. Part 2 provides a detailed description of these processes.

The legislation ensures that municipalities can be fully involved in any dispute resolution process, whether or not they themselves have objected to a proposed RGS. In particular:

- where a municipality **has objected** to a proposed RGS and has been directed to a non-binding or a binding process, the municipality and the regional district (and any other local governments that have objected) are responsible for choosing which type of process should be used. Only where they fail to agree on the choice of process does the minister choose. The municipality will also, of course, participate in the process; and,
- a municipality that **has accepted** a proposed RGS may nevertheless have an interest in the outcome of a non-binding or binding process involving, for example, a neighbouring municipality and the regional district. The legislation provides that any municipality has the option to participate in these processes.

Implementing an RGS

The legislation recognizes that regional districts will not be able to implement an RGS on their own and will require the cooperation and assistance of municipalities, the provincial government, and other organizations. It gives the regional district authority to enter into implementation agreements and to formalize these partnerships (section 868).

Some of the key partnerships will be between the regional district and its member municipalities, on issues such as coordination of regional service provision, coordination of water or sewer extensions, boundary extensions and fringe area planning.

In negotiating IAs with the regional district, municipalities can expect to get assistance from at least two sources, the IAC and the minister-appointed facilitator. The IAC would be particularly helpful in identifying opportunities for IAs. If requested, the committee could also draft proposed agreements for consideration by the municipal council and the regional district. Where negotiations prove difficult, the minister-appointed facilitator could be asked to provide assistance. One of the functions of the facilitator is to assist local governments in entering implementation agreements (section 856(1)(b)).

The authority to enter into implementation agreements is broad enough to allow a municipality to enter into agreements with parties other than the regional district, provided it is related to implementation of an RGS. While in most cases it would be appropriate to have the regional district as a party to an IA, in some cases it may be practical for a municipality to enter into such an agreement with, as examples, a port authority or the Agricultural Land Commission, for issues that relate to the RGS but only require coordination between these parties.

Following adoption of an RGS, the legislation requires the regional district to establish a monitoring program, to prepare an annual report for the public and, at least once every five years, to consider whether the strategy should be reviewed. In making this determination, the regional district must consult with municipalities. Municipalities should prepare themselves to advise the regional district on whether a review is necessary.

Putting a Community Plan in a Regional Context

The legislation introduces the concept of a municipal regional context statement (RCS) and sets in place a process whereby these statements are to be reviewed and accepted by a regional district.

Direction for Community Plans

Prior to the growth strategies legislation, there was very little direction in the *Local Government Act* on what local government planning was intended to achieve. The growth strategies legislation has now introduced a common purpose and a common set of goals for all local government planning. The 14 goals are presented on page 8. As councils review and update their community plans, they will be expected to work towards the 14 goals in the legislation.

The legislation provides for additional guidance in the form of "provincial policy guidelines" (section 870). These will apply both to RGSs and to community plans. Being guidelines, these will be non-binding. They will allow the provincial government to elaborate on the provisions and general goals in the legislation, expressing provincial interests in growth management more fully and suggesting direction for local government planning.

Regional Context Statement

Municipal OCPs are an essential means of implementing a regional growth strategy. Consistent with the emphasis on protecting local autonomy, the legislation breaks from the traditional method of ensuring compatibility, which would have meant making OCPs subservient to the RGS. Instead, the legislation establishes a horizontal, or non-hierarchical, relationship. It focuses on municipalities and regional districts working out any differences during the development of the RGS, either by negotiating agreement or, if necessary, settling their differences through a binding process.

Having raised and resolved their mutual issues at this stage, the legislation then gives municipalities the responsibility to determine the nature of any changes that would be required to their OCP, and provides a process to ensure that both the municipality and the regional district agree that this reflects what came out of the RGS process.

The legislation requires that, within a region that has adopted a growth strategy, all community plans (including a "development plan" under the *Vancouver Charter*) must be updated within two years to include a "regional context statement" (section 866). The regional context statement sets out the relationship between the RGS and the OCP and how they will be made compatible over time.

Section 866
(1)If a regional growth strategy applies to all or part of the same area of a municipality as an official community plan, the official community plan must include a regional context statement that is accepted in accordance with this section by the board of the regional district for which the regional growth strategy is adopted.

The municipality prepares the context statement as an amendment to its OCP, and has substantial flexibility in determining what the RCS should look like. The legislation provides only general direction, by stating that it must address the regional matters listed in section 850(2) and the other regional matters included under section 850(3). Just as the regional district should work closely with its municipalities during the development of the RGS, municipalities should work closely with the regional district in the development of the context statement.

Section 866 contd.
(2)A regional context statement under subsection (1) must specifically identify
(a)the relationship between the official community plan and the matters referred to in section 850(2) and any other regional matters included under section 850(3), and
(b)If applicable, how the official community plan is to be made consistent with the regional growth strategy over time.
(3)A regional context statement under subsection (1) and the rest of the official community plan must be consistent.

To ensure that the RCS is meaningful, it must be consistent with the rest of the community plan (section 866 (3)).

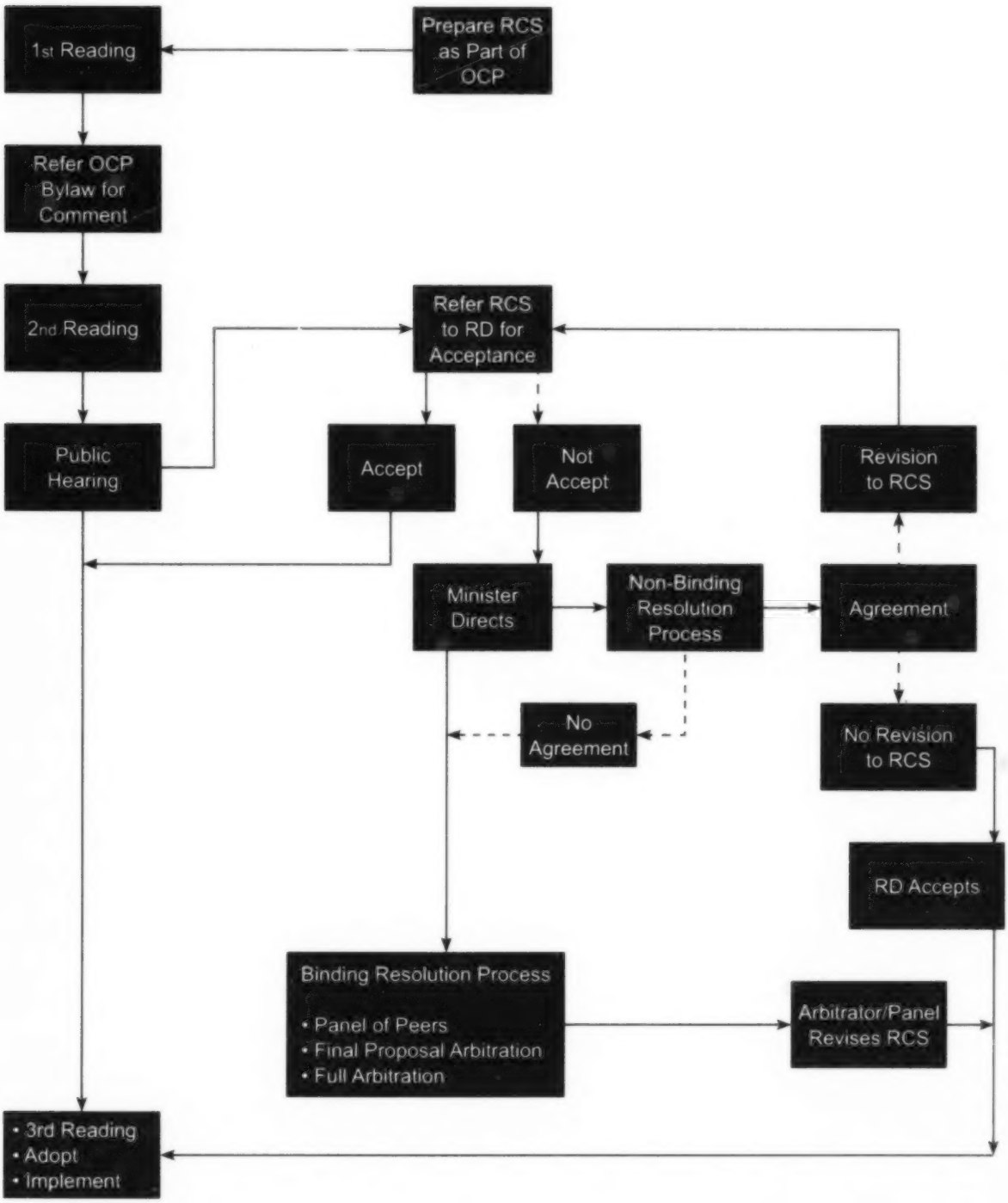
The RCS portion of the OCP is subject to acceptance by the regional district, to ensure the municipality and the region agree that the OCP and the RGS are compatible. If the regional district doesn't accept the RCS, the same dispute resolution processes will come into play as apply to the adoption of a regional growth strategy. A flow chart illustrating the process a municipality would follow to incorporate a regional context statement into an OCP is presented on page 43.

Over time, the RGS and/or the OCP may be amended. The legislation includes provisions to ensure they remain compatible over time. However, while a regional district must refer any change to its RGS to municipalities and adjacent regional districts for acceptance, a municipality need only refer OCP amendments if it proposes to change the RCS component. The intent behind this difference relates back to the difference between an RGS and an OCP. While any element of a regional growth strategy could affect a municipality's interests, only changes to the regional context statement part of an OCP should affect regional interests.

Individual amendments to a municipality's OCP are not subject to acceptance by the regional district, although they will continue to be referred for comment. Instead, the legislation includes a periodic "check back" provision. To ensure that the OCP and the RGS remain compatible over time, the context statement is required to be referred to the regional district for acceptance every five years.

By limiting regional district involvement to the RCS component of a municipality's OCP, the legislation preserves council's authority to make local planning decisions. It also avoids regional district involvement in rezonings and permits, which would have unnecessarily delayed the development approvals process.

Adding a regional context statement



Even where no regional growth strategy exists, municipalities may find it useful to place their OCP in a regional context. The legislation allows for an RCS to be included in any OCP. Where there is no growth strategy in place, the RCS is referred to the regional district for comment only, not for acceptance ((878)(1)(b)).

For More Information...

The Ministry of Community Services welcomes questions and comments regarding the implementation of the growth strategies legislation and the material contained in this guide. For more information, contact:

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